

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 08/28/02 Item: 3.c.

File Number
CP02-034

Application Type
Conditional Use Permit

Council District
3

Planning Area
North San Jose

Assessor's Parcel Number(s)
230-46-032

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Elena Lee

Location: Northwest corner of Coleman Avenue and Newhall Street

Gross Acreage: 25.7 Net Acreage: 25.7 Net Density: n/a

Existing Zoning: HI Heavy Industrial Existing Use: Parking Lot/Garage

Proposed Zoning: No change Proposed Use: Reconfiguration of an existing commercial parking facility, including the demolition of an existing 206,194 square foot warehouse building, reconfiguration of 506 parking spaces and the relocation of entrances and exits to the parking facility.

GENERAL PLAN

Completed by: EL

Land Use/Transportation Diagram Designation
Combined Industrial Commercial

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: EL

North: Heavy Industrial HI Heavy Industrial

East: Heavy Industrial/San Jose Airport HI Heavy Industrial/LI Light Industrial

South: Industrial/Residential LI Light Industrial/R-2 Two Family Residential

West: Heavy Industrial/Railroad HI Heavy Industrial

ENVIRONMENTAL STATUS

Completed by: EL

☐ Environmental Impact Report found complete
☒ Negative Declaration circulated on August 7, 2002, anticipated adoption on 8/8/2002
☐ Negative Declaration adopted on

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: EL

Annexation Title: College Park

Date: December 8, 1925

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval
☒ Approval with Conditions
☐ Denial
☐ Uphold Director's Decision

Date: _____

Approved by: _____
☒ Action
☐ Recommendation

CONTACT

APPLICANT/OWNER

Ruth and Going, Inc.
Attn: Gerry De Young
PO Box 26460
San Jose, CA 95150

Arcadia Development, Co.
Attn: Eli Reinhard
PO Box 5368
San Jose, CA 95150

PUBLIC AGENCY COMMENTS RECEIVEDCompleted by: EL

Department of Public Works

See Attached

Other Departments and Agencies

See attached for memos from the Fire Department and the Airport Land Use Commission.

GENERAL CORRESPONDENCE

None.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Arcadia Development Co., is requesting a Conditional Use Permit to reconfigure an existing commercial parking establishment. Specifically, this permit would also allow the demolition of a 206,194 square foot warehouse building, the reconfiguration of 506 parking spaces and the relocation of the entrances and exits to the parking facility on a 25.7 gross-acre site. The Zoning Ordinance requires a Conditional Use Permit for a parking establishment in Heavy Industrial Zoning District.

As part of the Interstate 880/Coleman interchange improvement, Newhall Street will be reconfigured and a new public street will be constructed along the northwestern edge of the subject property which will experience some right-of-way take for the project. In anticipation of this change, the access to the subject property will be modified as part of this permit. Currently, customer vehicles and the shuttles enter and exit the site from the one driveway located at the southeastern edge. The new proposal will relocate the entrance and exit to an existing 26-foot wide driveway located 600 feet north on Newhall Street of the current entrance/exit. The existing curb cut is currently gated to prevent access. The applicant also proposes to relocate equipment related to the parking facility or replace it with similar equipment at a new location. (attendant booths and parking gates)

The applicant is also requesting the demolition of an existing warehouse to allow a more efficient configuration of the 506 parking stalls currently contained within the structure. The building will be replaced by 506 surface parking stalls located at the western portion of the site, away from both Coleman Avenue and Newhall Street.

The Planning Commission granted Conditional Use Permit CP97-075 on February 25, 1998 to allow the operation of a public parking lot and parking shuttle service that supports the San Jose International Airport. The permit also included the installation of a security trailer, 2 attendant booths and associated gate arms and bollards. This permit was granted for a period of five years and would expire on February 25, 2003. The subject application grants a new Conditional Use Permit for a period of five years, to 2007.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for this project and a Mitigated Negative Declaration was circulated for public review by the Director of Planning on August 7, 2002. The primary issue addressed in the environmental review was the potential historic impact of demolishing the existing warehouse building.

A historic analysis was completed on March 2002. The “tilt-up” metal panel warehouse building was constructed in the 1960’s. Per San Jose City Policy, staff is required to analyze the historic significance of structures that are over 50 years old. The analysis determined that the warehouse building does not qualify for historic status on the City’s Historic Resources Inventory. The demolition of the building would not impact any historic/cultural resources.

GENERAL PLAN CONFORMANCE

The proposed use is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Combined Industrial/Commercial. The operation of a commercial parking lot is an appropriate commercial use and provides needed parking for the neighboring Airport.

ANALYSIS

The primary issue for this Conditional Use Permit is the project’s conformance to the Industrial Design Guidelines. The Industrial Design Guidelines include design criteria intended to create parking lots that are constructed to provide convenient parking and safe circulation.

The Guidelines state that parking lots should be accessed from non-residential streets. The relocated driveway will still be located on Newhall Street, in an area that includes both industrial and residential uses, but has a Heavy Industrial General Plan designation. Per the guidelines, the number of entrances and exits should also be limited and located to minimize interference with on-street traffic. The applicant proposes to use an existing driveway and will close the current southern entrance. One entrance will be maintained for the customers. The location of the new driveway was chosen to respond to the planned construction of a new public street as part of the Interstate 880/Coleman interchange project. The Guidelines also state that parking spaces and aisle dimensions must conform to the Zoning Ordinance. The reconfigured parking stalls will conform to the Zoning Ordinance required size of 9 feet by 18 feet for standard spaces and is an improvement upon existing conditions. The reconfigured aisles will also have a minimum width of 24 feet and will match the existing aisles. Existing equipment, such as attendant booths and parking gates will be relocated to the new entrance/exit. The subject application does not propose other site changes. All existing setbacks and landscaping will be maintained.

This parking facility provides a valuable service to San Jose’s airport. Staff supports the proposed project to respond to the major transportation improvement projects in this area which will affect the existing operation through a small property take and driveway closures.

PUBLIC OUTREACH

Notices of the public hearing and a Mitigated Negative Declaration were distributed to the owners and tenants of all properties located within 500 feet of the project site.

RECOMMENDATION

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the following findings and conditions in its Resolution:

Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of Combined Industrial/Commercial on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The project site is located in the HI-Heavy Industrial Zoning District.
3. A Negative Declaration has been adopted for this project which indicates that certain mitigation measures will be incorporated into the project to prevent the occurrence of any significant adverse effect on the environment.
4. The project is located directly to the southwest of the San Jose Airport and is adjacent to the Southern Pacific Railroad to the south. Industrial uses generally surround the site to the north, west and east. Industrial and some residential uses are located to the south.
5. A public parking facility is a conditional use under the HI Heavy Industrial Zoning District.
6. The project proposes the demolition of a 206,194 square foot warehouse building, the reconfiguration of 506 parking spaces and the relocation of the entrances and exits to the parking facility on a 25.7 gross-acre site.
7. The project site is 25.7 gross acres in area.
8. The site is currently occupied by a public parking facility and provides parking for travelers to the San Jose International Airport.

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The proposed project is consistent with the adopted San José 2020 General Plan Land Use/Transportation Diagram of the City of San José.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.

4. The proposed project complies with the applicable criteria of the City of San Jose Industrial Design Guidelines.
5. The Planning Commission has considered all of the following criteria in evaluating the proposed demolition.
 - a. The approval of the permit would not negatively impact the supply of existing housing stock in the City of San José.
 - b. Both inventoried and non-inventoried buildings, sites and districts of historical significance should not be negatively impacted.
 - c. Rehabilitation or reuse of the existing building would not be feasible.
 - d. The approval of the demolition of the building should facilitate a project which is compatible with the surrounding neighborhood.
 - e. The demolition of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and
3. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
 - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the

land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

CONDITIONS PRECEDENT

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Acceptance and Payment of Recording Fees.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning within **60 days** from the date of issuance of the resolution granting the permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.* Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara must be submitted along with the Acceptance Form.

CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

1. **Conformance with Plans.** Construction and development shall conform to approved development plans entitled, "Coleman and Newhall Parking Facility. Five Star/Classic Parking Conditional Use Permit," dated June 20, 2002, on file with the Department of City Planning and Building and to the San José Building Code (San José Municipal Code, Title 24).
2. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
3. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.
4. **Lighting.** On-site lighting shall use Low-Pressure Sodium fixtures and be designed, controlled and maintained so that no light source is visible from outside of the property. No new lighting fixtures are approved in this permit.
5. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff at 277-5533 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
6. **Colors and Materials.** All wireless communications antennas colors and materials are to be those specified on the approved plan set.
7. **Outside Storage.** No outside storage is permitted for the project except in areas designated on the approved plan set.

8. **Public Works Clearance.** A Development Clearance shall be obtained from the Public Works Department, Room 308, (408) 277-5161, and is subject to the following requirements (3-02626) to the satisfaction of the Director of Public Works:
- a. *Storm.* The release path must be paved. On-site ponding must be less than one foot.
 - b. *Geology.* A grading permit may be required prior to the issuance of a Public Works Clearance.
 - c. *Street Improvements.* The applicant shall complete the following street improvements:
 - 1) Close unused driveway cut(s)
 - 2) Removal and replace all broken or uplifted curb, gutter and sidewalk.
 - 3) Remove and replace all curb, gutter, sidewalk, and pavement damage during construction.
 - d. *Minor Improvement Permit.* The applicant will be required to satisfy all Public Works conditions prior to the issuance of a Public Works Clearance. The clearance will require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director Public Works. This permit includes plans, insurance, bonds/deposit certificate, and engineering and inspection fees.
 - e. *Storm Water Management Plan.* This project results in a land disturbance of more than five acres. Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit as follows:
 - 1) The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of storm water pollutants including sediments associated with construction activities.
 - 2) The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control may include BMPs as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities.

Prior to the issuance of a grading permit, the applicant shall submit copies of the SWPPP, NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works, Room 308, 801 North First Street, San

José, California 95110-1795. To obtain an NOI application and further information about the Erosion Control Plan and the NPDES permit requirements, please call the Department of Public Works at (408) 277-5161 or the SWRCB at (916) 657-1146.

9. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, CP02-034, shall be printed on all construction plans submitted to the Building Division.
 - b. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
 - c. *Archaeology.* Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
 - d. *Demolition Permit.* Obtainment of a Demolition Permit is evidence of acceptance of all conditions specified in this document and the applicant's intent to fully comply with said conditions. No demolition of the structure may be implemented unless and until the Building Division issues a Demolition Permit pursuant to Section 301 of the Uniform Building Code, as adopted pursuant to the provisions of Chapter 17.04 of Title 17 of the San José Municipal Code.
 - e. *American With Disabilities Act.* The applicant shall provide appropriate access as required by the Americans With Disabilities Act (ADA).
 - f. *Airport Land Use Commission.* The Airport Land Use Commission (ALUC) maintains jurisdiction over the subject property. The City of San Jose will file for a permit from the ALUC for the development of the subject property, and no building permits may be issued until final action on this application is taken.
10. **Anti-Graffiti.** The applicant shall remove all graffiti from structures and fence surfaces within 48 hours of defacement.

11. **Tree Removals.** No tree larger than 56 inches in circumference, at a height of 24 inches above the natural grade slope, shall be removed without a Tree Removal Permit issued by the Director of Planning.
12. **Airport Land Use Commission.** The Airport Land Use Commission (ALUC) maintains jurisdiction over the subject property. The City of San José will file for a permit from the ALUC for the development of the subject property, and no building permits may be issued until final action on the application is taken.
13. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.
14. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set and per CP97-075. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 4 of Chapter 15.10 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.
15. **Certification.** Pursuant to San José Municipal Code, Section 15.10.486, certificates of substantial completion for landscape and irrigation installation shall be completed by licensed or certified professionals and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project.
16. **Short term Construction Air Impacts.** Precautions should be taken during construction activities. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site. BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices should be implemented during all phases of construction on the project site. With the inclusion of these mitigation measures, the short-term air quality impacts associated with construction will be reduced to less-than significant levels.
 - a. Use dust-proof chutes for loading construction debris onto trucks.
 - b. Water to control dust generation during demolition of structures and break-up of pavement.
 - c. Cover all trucks hauling demolition debris from the site.
 - d. Ware or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.

- e. Cover all trucks hauling soil, sand, or loose materials, or required trucks to maintain at least two feet of freeboard.
- f. Sweep daily all paved access road, parking areas, and staging areas at construction sites.
- g. Sweep streets daily if visible soil material is carried onto adjacent public streets.
- h. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc).
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- j. Replant vegetation in disturbed areas as quickly as possible.

17. **Construction Conformance.** A project construction conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to final inspection approval by the Building Department, Developer shall obtain a written confirmation from the Planning Division that the project, as constructed, conforms with all applicable requirements of the subject Permit, including the plan sets. To prevent delays in the issuance of Building Permits, please notify Planning Division staff at least one week prior to the final Building Division inspection date

CONDITIONS SUBSEQUENT

1. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission.
2. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
 - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.

3. **Time Limit.** This Conditional Use Permit expires and has no further force or effect 5 years from the date of this Permit. **PLEASE NOTE THAT THIS CONDITIONAL USE PERMIT HAS BEEN GRANTED FOR A PERIOD OF 5 YEARS ONLY. YOU ARE BEING SPECIFICALLY AND SEPARATELY ADVISED OF THIS TIME LIMITATION SO THAT YOU WILL CONSIDER THIS TIME LIMITATION IN YOUR DECISION TO ACCEPT THIS PERMIT OR AS YOU MAKE ANY INVESTMENT DECISION RELATED TO THIS PROPERTY.**
4. **Renewal.** The permit holder may seek renewal of a time-conditioned Conditional Use Permit by filing a timely renewal application on the form provided by the Director of Planning. In order to be timely, an application for renewal must be filed more than 90 calendar days but less than 180 calendar days prior to the expiration of the Conditional Use Permit. Once a renewal application has been filed in a timely manner, the expiration date of the Conditional Use Permit is automatically extended until either the issuance or denial of the application for renewal has become final.

c: Building Division (2)
Engineering Services

207-10/EL: